

MAIL STOP PCT
10 Rec'd PCT/US 05 SEP 2005

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER 283643US2PCT
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/561954
INTERNATIONAL APPLICATION NO. PCT/JP04/04210	INTERNATIONAL FILING DATE 25 MARCH 2004	PRIORITY DATE CLAIMED 23 JUNE 2003
TITLE OF INVENTION MEASURING METHOD OF INCIDENT LIGHT AND SENSOR HAVING SPECTROSCOPIC MECHANISM EMPLOYING IT		
APPLICANT(S) FOR DO/EO/US Kazuaki SAWADA, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).10. <input checked="" type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none">13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.15. <input type="checkbox"/> A FIRST preliminary amendment.16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.17. <input type="checkbox"/> A substitute specification.18. <input type="checkbox"/> A power of attorney and/or change of address letter.19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).22. <input type="checkbox"/> Express Mail Label No.		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Application Data Sheet Notice of Priority Drawings (8 Sheets) PCT/IB/304		Request for Consideration of Documents Cited in International Search Report Amended Sheets of December 22, 2004 (Pages 20, 20/1, 21, and 22) Amended Sheets of June 21, 2005 (Pages 20, 21, 21/1, and 22) Amended Sheets of September 15, 2005 (Pages 11, 20, 21, 22, and 22/1)		PCT/IB/308																																																																																																																																																								
<p>The following fees have been submitted:</p> <table border="1"> <tr> <th colspan="2"></th> <th colspan="2">CALCULATIONS</th> <th colspan="2">PTO USE</th> </tr> <tr> <td><input checked="" type="checkbox"/> Basic national fee</td> <td>\$300</td> <td>\$</td> <td>\$300.00</td> <td colspan="2"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article</td> <td>\$0</td> <td>\$</td> <td>\$200.00</td> <td colspan="2"></td> </tr> <tr> <td>All other situations.....</td> <td>\$200</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .</td> <td>\$0</td> <td>\$</td> <td>\$400.00</td> <td colspan="2"></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.....</td> <td>\$100</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.....</td> <td>\$400</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td>All other situations.....</td> <td>\$500</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">TOTAL OF 24, 25 and 26 =</td> <td>\$</td> <td>\$900.00</td> <td colspan="2"></td> </tr> <tr> <td colspan="6"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td colspan="2">Number of each additional 50 or fraction thereof (round up to a whole)</td> <td colspan="2">RATE</td> </tr> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td colspan="2">0</td> <td>x \$250.00</td> <td>\$ \$0.00</td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td colspan="3">RATE</td> </tr> <tr> <td>Total claims</td> <td>8 - 20 =</td> <td>0</td> <td>x \$50.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$200.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td><input type="checkbox"/></td> <td>+ \$360.00</td> <td>\$ \$0.00</td> </tr> <tr> <td colspan="5">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ \$1,030.00</td> </tr> <tr> <td colspan="6"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> </tr> <tr> <td colspan="5">SUBTOTAL =</td> <td>\$ \$1,030.00</td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> </tr> <tr> <td colspan="5">TOTAL NATIONAL FEE =</td> <td>\$ \$1,030.00</td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00</td> </tr> <tr> <td colspan="5">TOTAL FEES ENCLOSED =</td> <td>\$ \$1,030.00</td> </tr> <tr> <td colspan="5" rowspan="2"></td> <td>Amount to be \$</td> </tr> <tr> <td>Amount to be \$</td> </tr> </table>								CALCULATIONS		PTO USE		<input checked="" type="checkbox"/> Basic national fee	\$300	\$	\$300.00			<input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article	\$0	\$	\$200.00			All other situations.....	\$200					<input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . .	\$0	\$	\$400.00			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.....	\$100					International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.....	\$400					All other situations.....	\$500					TOTAL OF 24, 25 and 26 =		\$	\$900.00			<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). 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Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number: 22850

Surinder Sachar

SIGNATURE

Marvin J. Spivak

NAME

24,913

REGISTRATION NUMBER

Dec. 22 2005

DATE

Surinder Sachar
Registration No. 34,423

10/561954

IAP9 Rec'd PCT/PTO 22 DEC 2005

DOCKET NO.: 283643US2PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuaki SAWADA, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/JP04/04210

INTERNATIONAL FILING DATE: March 25, 2004

FOR: MEASURING METHOD OF INCIDENT LIGHT AND SENSOR HAVING
SPECTROSCOPIC MECHANISM EMPLOYING IT

**REQUEST FOR CONSIDERATION OF DOCUMENTS
CITED IN INTERNATIONAL SEARCH REPORT**

Commissioner for Patents

Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Surinder Sachar

Marvin J. Spivak
Attorney of Record
Registration No. 24,913
Surinder Sachar
Registration No. 34,423

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22850

(703) 413-3000
Fax No. (703) 413-2220
(OSMMN 08/03)

10/561954

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**THE FOLLOWING ARE THE ENGLISH TRANSLATION
OF ANNEXES TO THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT (ARTICLE 34):**

Amended Sheets of December 22, 2004 (Pages 20, 20/1, 21, and 22)

Amended Sheets of June 21, 2005 (Pages 20, 21, 21/1, and 22)

Amended Sheets of September 15, 2005 (Pages 11, 20, 21, 22, and
22/1)